

### **REMARKS**

This paper is responsive to the Office Action of July 21, 2006. Reexamination and reconsideration of the application are respectfully requested.

#### **The Office Action**

**Claims 1–3, 6–10, 20, 21, and 23–26** stand rejected under 35 USC §103(a) as being unpatentable over US Patent No. 4,239,196 (Hanger) in view of US Patent No. 3,902,699 (Brackett).

#### **The Claims of the Present Application Distinguish Over the Cited References**

**Claim 1** recites a plurality of arms. At least one of the arms supports a brake assembly with the use of an associated fastener, and at least one of the arms supports the brake assembly without the use of a fastener while the brake assembly is disengaged from an associated vehicle.

Hanger discloses an engine stand. However, Hanger fails to disclose, and does not suggest, an arm supporting an engine without the use of an associated fastener. The "universal" nature of Hanger's stand is found in the versatility of positioning a load in a variety of positions for being turned 360° with maximum accessibility. See col. 3, ll. 26–29 of Hanger. The apparatus is universally adapted to various sizes and load types. See col. 3, ll. 29–30 of Hanger. In that regard, the universal nature of Hanger's stand is not found in an arm supporting an assembly without the use of an associated fastener. In fact, Hanger states "the [engine] pads [25a, 25b, 25c] accommodate threaded members A which are attachable thereon by bolts or other threaded means 26" (see col. 2, ll. 43–45 of Hanger). Because Hanger contemplates rotating the assembly 360°, the assembly must be securely attached to the stand (i.e., via a bolt or fastener). If the

assembly is not secured to the stand with the use of fasteners, the stand of Hanger becomes inoperable for its intended purpose (i.e., rotating the assembly 360°). For these reasons, Hanger fails to disclose, and does not suggest, an assembly without the use of associated fasteners.

Buckett is merely cited as disclosing a member extending from a base where the member is extensible by means of a fluid cylinder. Therefore, Buckett does not overcome the deficiencies of Hanger.

For the reasons discussed above, the combination of Hanger and Buckett fails to disclose or suggest an assembly without the use of associated fasteners, as recited in **claim 1**. Therefore, **claim 1** and **claims 2, 3, and 6–10**, which depend therefrom, are patentable over the combination of Hanger and Buckett.

**Claim 20** recites a plurality of arms. At least one of the arms supports the brake assembly with the use of an associated fastener, and at least one of the arms supports the brake assembly without the use of a fastener while the brake assembly is disengaged from an associated vehicle.

For the reasons discussed above, **claim 20** and **claims 21 and 23–26**, which depend therefrom, are patentable over the combination of Hanger and Buckett.

### **CONCLUSION**

For the foregoing reasons, it is submitted that the claims of the present application are in condition for allowance. Early notice thereof is respectfully requested.

It is believed that there is no fee associated with the filing and consideration of this response. Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all such fees, and/or credit

Response Dated October 23, 2006  
Reply to Office Action of July 21, 2006

US Application No. 10/687,325

any overpayments, incurred as a result of entering this response to Deposit Account No.  
03-0172.

Respectfully submitted,

CALFEE, HALTER & GRISWOLD LLP

A handwritten signature in cursive script, reading "Brian E. Kondas", is written over a horizontal line.

Brian E. Kondas  
Reg. No. 40,685  
Customer No. 24024  
(216) 622-8308